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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,329	10/31/2000	Dave Parker	005220.P002	3235

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EXAMINER
ALAM, UZMA

ART UNIT	PAPER NUMBER
2157	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/703,329	PARKER ET AL.
		Examiner	Art Unit
		Uzma Alam	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 February 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9-14,16-18,20-24,26-28,30-33,42,43 and 45-48* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,9-14,16-18,20-24,26-28,30-33,42,43 and 45-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/5/01, 10/31/00</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

This action is responsive to the amendment file February 9, 2006. Claims 46-48 have

been added. Claims 1, 3, 4, 7, 16, 20, 26 and 30 have been amended. Claims 1-7, 9-14, 16-18,

20-24, 26-28, 30-33, 42-43 and 45-48 are pending. Claims 1-7, 9-14, 16-18, 20-24, 26-28, 30-

33, 42-43 and 45-48 represent a method for monitoring events on a system.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

1.   Claims 1-7, 9-14, 16-18, 20-24, 26-28, 30-33, 42-43 and 45-48 are rejected under 35

U.S.C. 102(e) as being anticipated by Carleton et al. US Patent Publication No. 2001/0044840.

Carleton teaches the invention as claimed including a method and apparatus for

connecting to a host system and generating notifications (see abstract).

As per claim 1, Carleton teaches a method, comprising:

accessing a port of a host system by a satellite system to monitor an internal parameter

[status and statistics about device operation; line 2 or paragraph 0050] for a predetermined event

related to the host system (a system is monitored by logging on to ports of certain system

elements; paragraph 0054, 0062-0070);

transferring data about the predetermined event from the satellite system to a monitoring

operations center (remote network monitoring system 20; pp 0050)

generating, by a monitoring operations center, a notification upon the occurrence of the

predetermined event to a first person in a hierarchy (the business rules define normal functions

and notification rules, if a function is not being performed as expected, a notification is sent;

paragraph 0053); and

escalating, by the monitoring operations center, the notification to a second person in the

hierarchy when the first person fails to acknowledge the notification in a time period

(notifications are escalated, as defined by the business rules; paragraph 0009, 0053, 0054, 0079).

As per claim 2, Carleton teaches the method of claim 1, further comprising determining

whether the notification is successful (each notification as an acknowledgement flag; paragraph

0053, 0079).

As per claim 3, Carleton teaches the method of claim 1, wherein the predetermined event

is receipt of a state change of the internal parameter (the monitoring system checks for state

changes of system elements; paragraph 0054).

As per claim 4, Carleton teaches the method of claim 1, wherein the predetermined event

is exceeding a threshold value set for the internal parameter (paragraph 0053).

As per claim 5, Carleton teaches the method of claim 1, further comprising generating the notification a number of times for an amount of time (paragraph 0053).

As per claim 6, Carleton teaches the method of claim 5, wherein the number of times, the amount of time, and the time period are configurable (the business rules, which set notification rules can be configured by a user; paragraph 0051 ,0062-0070, 0079).

As per claim 7, Carleton teaches a method comprising:

monitoring a host system for a parameter corresponding to a predetermined event using a satellite system located locally to the host system (paragraph 0049, 0054, 0062-0070, 0080);

queuing data about the predetermined event collected by the satellite system (pp 0084);

transferring the queued data from the host system to a monitoring operations center (0085);

generating, by the monitoring operations center located remotely from the host system, a notification upon the occurrence of the predetermined event to a first person in a hierarchy (paragraph 0050, 0053); and

escalating, by the monitoring operations center, the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period (paragraph 0009, 0053, 0054, 0079).

As per claim 9, Carleton teaches the method of claim 1, further

comprising providing a possible cause of the predetermined event occurrence (paragraph 0081)

As per claim 10, Carleton teaches the method of claim 1, where escalation is based on a set of rules (paragraph 0054, 0062-0070, 0079).

As per claim 11, Carleton teaches the method of claim 10, wherein the

set of rules is based on a time delay between the notification and the acknowledgement (paragraph 0054, 0079).

As per claim 12, Carleton teaches the method of claim 10, wherein the set of rules is based on the state change (paragraph 0053, 0079).

As per claim 13, Carleton teaches the method of claim 10, wherein the

set of rules is based on schedules of the first and second persons (paragraph 0053, 0062-0070).

As per claim 14, Carleton teaches the method of claim 1, wherein the notification is generated and escalated automatically (paragraph 0053).

As per claim 16, Carleton teaches the method of claim 1, is further comprising monitoring a service of the host system (paragraph 0054, 0084).

As per claim 17, Carleton teaches the method of claim 1, wherein the parameter is a utilization of a component of the host system (paragraph 0084).

As per claim 18, Carleton teaches the method of claim 17, further comprising:

monitoring additional parameters of the host system, wherein the additional parameters include a service of the host system (paragraph 0084); and

eliminating a redundant notification based on dependent parameters of the host system; paragraph 0080).

As per claim 20, Carleton teaches a machine readable medium having stored thereon instructions, which when executed by a processor, cause the processor to perform the following:

Receiving, by a monitoring operations center data about an occurrence of a predetermined event related to a host system, the occurrence of the predetermined event determined by access of a port of the host system by a satellite system (paragraph 0054, 0062-0070, 0080);

Generating, by the monitoring operations center, a notification upon the occurrence of the predetermined event to a first person in a hierarchy (paragraph 0053) and

Escalating, by the monitoring operations center, the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period (paragraph 0009, 0053, 0054, 0079); and

Providing at least one of a suggestion of a probable cause of the predetermined event and

a solution to the occurrence of the predetermined event (pp 0084-0087).

As per claim 21, Carleton teaches the machine readable medium of claim 20, wherein the

predetermined event is receipt of a state change of the parameter (paragraph 0053, 0079).

As per claim 22, Carleton teaches the machine readable medium of claim 20, wherein the

processor further performs generating the notification a number of times for an amount of time

(paragraph 0053).

As per claim 23, Carleton teaches the machine readable medium of

claim 20, wherein the number of times, the amount of time, and the time period are configurable

(paragraph 0051, 0062-0070, 0079).

As per claim 24, Carleton teaches the machine readable medium of claim 20, wherein the

processor further performs providing a suggestion as to a cause of the predetermined event

occurrence (paragraph 0081).

As per claim 26, Carleton teaches an apparatus, comprising:

means for monitoring a host system for a parameter corresponding to a predetermined

event; (paragraph 0054, 0062-0070);means for generating a notification upon the occurrence of

the predetermined event to a first person in a hierarchy (paragraph 0053); and

means for escalating the notification to a second person in the hierarchy when the first

person fails to acknowledge the notification in a time period (paragraph 0009, 0053, 0054, 0079).

As per claim 27, Carleton teaches the apparatus of claim 26, further

comprises means for determining whether the notification is successful (paragraph 0053, 0079).

As per claim 28, Carleton teaches the apparatus of claims 26, further

comprising:

means for generating the notification a number of times for an amount of time (paragraph

0053).

As per claim 30, Carleton teaches an apparatus, comprising:

A configuration portal to interface with satellite system over a communication link and

configure a service interleave factor of a host system (paragraph 0051, 0054, 0062-0070);a

digital processing system coupled to the portal, the digital processing system to receive data

indicative of an occurrence of the event and generate a first notification (paragraph 0053);

and a notification gateway coupled to the digital processing system to transmit the first

notification to a first communication device, the digital processing system to generate a second

notification to a second communication device if an acknowledgment is not received within a

predetermined time.(paragraph 0009, 0053, 0054, 0079).

As per claim 31, Carleton teaches the apparatus of claim 30, wherein the notification

gateway transmits the second notification to the second communication device (paragraph 0049,

0050).

As per claim 32, Carleton teaches the apparatus of claim 30, wherein the digital

processing system comprises a server (paragraph 0049, 0050).

As per claim 33, Carleton teaches the apparatus of claim 30, further comprising a proxy

server coupled to the digital processing system (paragraph 0049, 0050).

As per claims 42 and 45, Carleton teaches the method of claims 1 and 20, wherein

generating further comprises transmitting the occurrence of the predetermined event from the

satellite system to the monitoring operation center (paragraph 0009).

As per claims 43, Carleton teaches the method of claims 7 and 15, wherein the parameter

of the host system is monitored by a satellite system, and wherein generating the notification

further comprises transmitting the occurrence of the predetermined event from the satellite

system to the monitoring operations center (the front end or expert system of a spacecraft

constantly monitors function on the spacecraft and sends via satellite logs of the events to the

monitoring operation center (SERS), the SERS monitors these log files constantly and sends

notifications to personnel (SCT); paragraph 4, lines 1-8, paragraph 5, lines 1-7, paragraph 7,

lines 1-8, paragraph 8, paragraph 9).

As per claim 46, Carleton teaches the method of claim 1, wherein accessing the port of

the host system to monitor the internal parameter comprises logging into the host system (pp

0054, 0058, 0092).

As per claim 47, Carleton teaches the method of claim 7, wherein queuing the data

comprises queuing different types of the data in different ones of multiple queues and wherein

the method further comprises prioritizing the transferring of the queued data from the multiple

queues (p 0075-0076).

As per claim 48, Carleton teaches the apparatus of claim 30 wherein the service

interleave factor determines how a plurality of service checks are interleaved (pp 0080-0882).

Response to Arguments

Applicant's arguments filed February 6, 2006 have been fully considered but they are not

persuasive.

As per applicant's argument that the reference Carleton does not teach an internal

parameter of the host system as recited in Claim 1, Applicant is directed to line 2 of paragraph

0050. In this paragraph, the reference teaches that the "monitoring software located on the client

server 22 collects status and statistics about device operation in the client network." According

to the specification of the current application, on page 7, line 16, statistics of the device are

considered parameters of the host. Also, on page 7 of the specification, the application states

that a state change is also considered a parameter of the host. The reference Carleton teaches

monitoring state changes in paragraph 0054.

Applicant argues that Carleton does not teach the queue of data collected by its client

server as recited in claim 7. Applicant is directed to paragraphs 0049-0050 and 0080-0085 in

response to this argument. In these paragraphs, the reference teaches that data is collected on an

interval basis and then is sent to the remote monitoring server.

As per applicant's argument regarding claim 20, applicant argues that Carleton does not

teach providing at least on of a suggestion of probable cause of the predetermined event and a

solution to the occurrence of the predetermined event. However, in paragraph 0084, the

reference Carleton teaches that the cause of the alarm is indicated in the report generated by the

monitoring system.

As per applicant's argument regarding claim 30, applicant argues that Carleton does not

teach configuring a service interleave factor. However, in paragraph 0051, Carleton teaches that

the notifications and alarms are sent to various devices and are sent even if the device being

monitored is not functioning.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Uzma Alam whose telephone number is (571) 272-3995. The

examiner can normally be reached on Monday-Tuesday 5:30 AM - 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Uzma Alam
Ua
September 12, 2005

MOUSTAFA M. MEKY
PRIMARY EXAMINER